

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AIA KOSTIN, et al.,**

Plaintiffs,

v.

**BUCKS COMMUNITY COLLEGE, et al.,**

Defendants.

**CIVIL ACTION**

**NO. 21-850-KSM**

**ORDER**

**AND NOW**, this 30th day of March, 2022, upon consideration of Defendants’ Motion to Dismiss (Doc. No. 11) and Plaintiff Aia Kostin’s response (Doc. No. 12), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part**. Specifically, it is **ORDERED** as follows:

1. Defendants’ motion to dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) is **DENIED**.
2. Defendants’ motion to dismiss the substantive due process claim under Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**, and the substantive due process claim is **dismissed with prejudice**.
3. Defendants’ motion to dismiss the equal protection, negligence, intentional infliction of emotional distress (“IIED”), and breach of contract claims is **GRANTED**. The equal protection, negligence, and breach of contract claims are **dismissed without prejudice** and with leave to amend. The IIED claim is **dismissed with prejudice** as to Defendant

Bucks County Community College (“BCCC”) and **without prejudice** and with leave to amend as to Defendants Mary Dura and Connie Corrigan.

4. Defendants’ motion to dismiss the procedural due process and free speech retaliation claims is **DENIED** as to Defendants BCCC and Corrigan. However, the motion is **GRANTED** as to Defendant Dura, and the procedural due process and free speech retaliation claims are **dismissed without prejudice** against Defendant Mary Dura and with leave to amend.

It is **FURTHER ORDERED** that to the extent Ms. Kostin wishes to amend her complaint, she must do so by **April 29, 2022**.<sup>1</sup> And to the extent Ms. Kostin wishes to proceed on the current complaint (i.e., the procedural due process and free speech retaliation claims, against Defendants BCCC and Corrigan only), she should notify opposing counsel and the Court as soon as possible prior to the April 29, 2022 deadline, at which point the Court will schedule an in-person status conference to discuss scheduling and other pretrial matters.

**IT IS SO ORDERED.**

**/s/KAREN SPENCER MARSTON**

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KAREN SPENCER MARSTON, J.

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<sup>1</sup> If Ms. Kostin files an amended complaint, Defendants shall file an answer or other responsive pleading by **May 13, 2022**.